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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN JOHN SARGISSON,

Defendant.

CASE NO. 2:22-CR-16-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: April 4, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This case was set for a status conference on April 4, 2023.
2. By this stipulation, defendant now moves to continue the status conference until May 23, 2023, at 9:30 a.m., and to exclude time between April 4, 2023, and May 23, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports and photographs, which the government has either produced directly to counsel or made available for inspection and copying.

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1 b) The parties are in the process of attempting to resolve this matter. Counsel for
2 defendant desires additional time to review the discovery produced, to consult with his client, to
3 conduct investigation and research related to the current charges, to discuss potential resolutions
4 to this matter, and to otherwise prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) In addition to the public health concerns cited by the General Orders and
10 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
11 this case because the defendant is out of custody and lives an appreciable distance from
12 Sacramento, where defense counsel is based. As a result, all travel must be carefully
13 coordinated, which is more difficult at this time.

14 f) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendant in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of April 4, 2023 to May 23, 2023,
19 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
20 because it results from a continuance granted by the Court at defendant's request on the basis of
21 the Court's finding that the ends of justice served by taking such action outweigh the best interest
22 of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 30, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

Dated: March 30, 2023

/s/ RON PETERS
RON PETERS
Counsel for Defendant
BENJAMIN JOHN SARGISSON

ORDER

Pursuant to the stipulation of the parties and good cause appearing, the status conference previously scheduled for April 4, 2023, in this case is continued to May 23, 2023, at 9:30 a.m., and time is excluded between April 4, 2023, and May 23, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

IT IS SO ORDERED.

Dated: March 30, 2023

Dale A. Drogel
UNITED STATES DISTRICT JUDGE